



July 14, 1999

Ms. Tracy B. Calabrese
Senior Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR99-1954

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127284.

The City of Houston (the "city") received a request for a copy of the "investigation file including but limited to witness identification, copies of witness statements, diagrams and measurements, photographs as well as investigating officers [sic] narratives." You claim that the requested information is excepted from disclosure under sections 552.108(a)(2) and 552.101 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

* * *

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

* * *

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

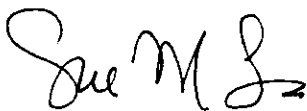
Gov't Code § 552.108.

A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You have submitted an exhibit that indicates that the suspect was no-billed in this case, which is not a conviction or deferred adjudication. Because the documents at issue deal with the detection, investigation, or prosecution of crime which concluded in a final result other than a conviction or deferred adjudication, you may withhold this information under section 552.108 of the Government Code. You may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Gov't Code § 552.108(c); *see* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*).

Because section 552.108 of the Government Code is dispositive, we need not address your section 552.101 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue M. Lee".

Sue M. Lee
Assistant Attorney General
Open Records Division

SML\ch

Ref: ID# 127284

Encl: Submitted documents

cc: Mr. Robert M. Hagy
Legal Investigations
P.O. Box 169776
San Antonio, Texas 78280
(w/o enclosures)